

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

AYO HALL,)	
)	
Petitioner,)	
)	CAUSE NO. 3:13-CV-1365 JM
vs.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Ayo Hall, a *pro se* prisoner, filed this habeas corpus petition challenging the prison disciplinary hearing (WCC 13-07-77) which was held on July 16, 2013. At that hearing the Disciplinary Hearing Body (DHB) found him guilty of possessing a cell phone in violation of A-121. He was sanctioned with the loss of 150 days earned credit time and demoted one credit class. The respondent has filed a motion to dismiss arguing that “[b]ecause the conviction and sanctions challenged in the Petition for Writ of Habeas Corpus in this case have been vacated, there is no longer a case or controversy for this Court to adjudicate regarding the original Petition, and the case is moot.” (DE # 7 at 2.) In a letter filed by Hall in response, he acknowledges that the challenged proceeding and sanctions were vacated. Nevertheless, in a motion for summary judgment, he objects because the respondent filed a motion to dismiss and did not file the administrative record. He also objects because he was found guilty during the rehearing. However, if Hall wants to challenge the re-hearing, he must do so in a different habeas corpus case after he has exhausted his administrative remedies.

This case is about the July 16, 2013, hearing and there are no issues left to adjudicate as to it. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). However, because it is clear that Hall wants to challenge the re-hearing, the clerk will send him a habeas corpus form for doing so. If he files it, he should not place this cause number on the form; instead, the clerk will assign it a new number when it is received. He will also need to pay the \$5.00 filing fee for the new case.

For the foregoing reasons: the court:

- (1) **DENIES** the motion for summary judgment (DE # 9);
- (2) **GRANTS** the motion to dismiss (DE # 7);
- (3) **DISMISSES** this case for want of jurisdiction; and
- (4) **DIRECTS** the clerk to place this cause number on a blank AO-241 (Rev. 10/07) (INND Prison Disciplinary Rev. 6/13) form and send it to Ayo Hall.

SO ORDERED.

Date: July 9, 2014

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT